

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FEDERAL INSURANCE COMPANY,
As subrogee of Kamax LP,

Plaintiff,

Case No. 04-72421

v.
NANCY GUSMANO, CHRISTOPHER P.
HURTTGAM and CPH SORTING &
CONSULTING, INC.,

Honorable Patrick J. Duggan

Defendants.

ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on JUNE 30, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On June 30, 2004, Plaintiff Federal Insurance Company filed a three-count complaint against Defendants in this Court alleging: (I) fraud/conversion, (II) Federal Racketeer and Corrupt Organizations (RICO) Act violations, and (III) constructive trust. Presently before this Court are Defendants' Motion for Summary Judgment and Plaintiff's Motion for Summary Judgment on Count III, Constructive Trust.

For the reasons set forth in an Opinion issued this date,

IT IS ORDERED that Defendants' Motion for Summary Judgment with respect to

Plaintiff's fraud/conversion claim is **GRANTED**.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment with respect to Plaintiff's RICO claim is **DENIED**.

IT IS FURTHER ORDERED that both Defendants' and Plaintiff's Motions for Summary Judgment with respect to Plaintiff's claim of Constructive Trust is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff may file an amended complaint **within 14 days of the date of this Order**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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